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Carol O'Hare

From: Carol O'Hare [cbo1066@gmail.com]
Sent: Monday, November 23, 2015 11:11 AM
To: Cambridge City Council
Cc: Ranjit Singanayagam; 'Lopez, Donna'
Subject: City Council: Curb Cut Permit on Tufts St. for corner apt./condo building @ 154-158 Magazine St. (Application #2)
Importance: High

Dear Mayor Maher, Vice Mayor Benzan and City Councillors:

Our home is 1 building away (abutter of abutter) from this Magazine St./Tufts St. corner apartment/condo building. This curb cut permit has been under review and pending since 2014. (Applications & Petitions, #2)

I do not oppose a curb cut on Tufts Street for the limited purposes proposed by Applicant, Syed Nuruzzaman, Trustee, **BUT** the records, plans and materials you've been presented for your approval are internally inconsistent, incomplete, and don't reflect commitments made in 2014 by the Applicant in writing in connection with this curb cut!

Below are **three problems** and their necessary remedies:

Problem 1: There are 2 quite different plans for the requested curb cut and associated parking in the file presented for your approval (File): A 2014 plan (date is cut off) and a 2015 plan. This creates confusion about which plan you're to consider and approve or disapprove.

- The 2014 plan shows a 15'-wide curb cut. The 2015 plan seems to show a 17'-wide curb cut. (It may just be that the measurements have been taken from different edges of the proposed curb cut.)
- The 2015 parking layout is more restrictive and smaller than the 2014 parking layout.
- Both plans include an arrow pointing to "Proposed Paved Parking & Back-Up Area for 1 Vehicle," but, for example, the 2015 parking layout plan does not include a back-up area.

(See Plans at pp. 8 and 12 of the File.

http://www2.cambridgema.gov/CityOfCambridge_Content/documents/Apps%20&%20Petitions%202.pdf.)

Remedy 1:

- The Council must formally specify and establish for the record which plan (2014 or 2015) the Council is considering and potentially approving. And, ISD should make a comparable notation in their files (if this hasn't already been done) so their records are clear.
- If the curb cut has indeed been widened by 2 ft., are the several 2014 abutters' and other approvals of the narrower curb cut still effective? **See the File.** It may just appear so because the 2014 and 2015 measurements are taken from the inside and outside points of the cuts, respectively. (I'm not concerned about this.)

Problem 2: In July 2014, as a result of ISD's and public concerns, the Applicant wrote to ISD Commissioner that:

The curb cut and associated parking are "only for the parking of a van or truck from time to time when needed to perform maintenance work at the 154-158 Magazine property. To assure that there will be no resident parking at any time either a fence or plantings will separate the single parking space from the remainder of the lot."

This significant commitment made as a result of the 2014 review and approval process at ISD has not been formalized.

Remedy 2: Any curb-cut approval you issue should be explicitly conditioned in writing as follows:

- "This curb cut permit is granted subject to the following conditions: (i) the associated parking area be used only for a van or truck from time to time when needed to perform maintenance work at the 154-158 Magazine property and (ii) to assure that there will be no resident parking at any time, either a fence or

plantings will installed and maintained to separate the single parking space from the remainder of the lot." and

b. That condition, dated currently, should be clearly written on the 2015 plan filed with ISD.*

c. ISD should make sure its records clearly reflect all of this so that there will be no confusion in the future about which curb cut, parking layout and conditions were approved and imposed.

*Given ISD's no-paper filing system, that may need to be done by adding a note to the actual paper 2015 plan and re-filing that modified plan with ISD.

Problem 3: This is a notice problem that should be resolved for future curb cuts for corner lots/buildings for which the official street address is different from the street on which the curb cut is being proposed, as this one is.

Remedy 3: All filings, public notices, postings, listings and abutter-approval forms should include in their text both the official property address and a description of the different location of the proposed curb cut. For example, in this case: Property Address: 154-158 Magazine St. (corner of Tufts St.); Proposed Curb Cut Location: Tufts St.

Thank you, as always, for your time and consideration.

Sincerely,

Carol O'Hare
172 Magazine St.

Cc: Donna Lopez, City Clerk, for filing with the Official Record